

CHARTER OF THE CITY OF AUBURN

PREAMBLE

WE THE PEOPLE of the City of Auburn declare our intent to restore to our community the historic principles of self-governance inherent in the doctrine of home rule. Sincerely committed to the belief that local government has the closest affinity to the people, and firm in the conviction that the maximum economic, fiscal and policy-making independence of local government will better serve and promote the health, safety and welfare of all the citizens of this City, we do hereby exercise the express right granted by the Constitution of the State of California to adopt this Charter for the City of Auburn.

CHARTER Article I Municipal Affairs

Section 100. Municipal Affairs

Each of the responsibilities of governance set forth and described in this Charter, and as established by the Constitutional, statutory and common law of the State of California, is hereby declared to be a municipal affair or concern, the performance of which is uniquely to the benefit of the citizens of the City of Auburn.

Section 101. Powers

The City shall have all powers that a City can have under the Constitution and laws of the State of California as fully and completely as though they were specifically enumerated in this Charter. The enumeration in this Charter of any particular power, duty or procedure shall not be held to be exclusive of, or any limitation or restriction upon, this general grant of power.

Section 102. Incorporation and Succession

The City shall continue to be a municipal corporation known as the City of Auburn. The boundaries of the City of Auburn shall continue as now established until changed in the manner authorized by law. The City shall remain vested with and shall continue to own, possess, control and enjoy all property rights and rights of action of every nature and description owned, had, possessed, controlled or enjoyed by it when this Charter takes effect. It shall be subject to all debts, obligations and liabilities which exist against the City when this Charter takes effect. All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force when this Charter takes effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed or superseded by proper authority.

Article 2

Form of Government

Section 200. Form of Government

The City shall continue to be governed under this Charter by a "Council-Manager" form of government. The City Council will establish the policy of the City and the City Manager will carry out that policy.

Section 201. Elected Officials

The City Council shall consist of five members, each elected at-large who, along with the Clerk and Treasurer, shall be the sole elected officials of the City. The minimum qualifications for these offices shall be as provided by law for general law cities and any vacancy in office shall be filled in the manner provided by that law. The Council shall choose from among their own number a Mayor and a Mayor pro tempore, who may also use the title Vice Mayor.

Section 202. Council Member Compensation

The salary of the Mayor and Council Members shall continue to be set pursuant to the law applicable to general law cities provided, however, that neither the Mayor nor any Council Member may receive a pension or unemployment insurance.

Section 203. Elections

Elections shall be conducted in accordance with the law applicable to general law cities. The powers of initiative, referendum and recall shall apply in the City as they do in general law cities under the applicable provisions of state and federal law.

Article 3

Fiscal Accountability and Transparency

Section 300. Performance-Based Management and Budget

The City shall each year enact a Performance-Based Budget, which shall include, but not be limited to, information about revenues, expenditures, assets, liabilities, Council-established goals, department and program objectives and measurable service levels provided to city residents and business owners. The City shall place on its Internet Website, or otherwise make available to residents and business owners free and convenient access to, current budgetary and other information that shows how tax and fee revenues received by the City are being used to provide services to Auburn residents and business owners.

Section 301. Economic and Community Development

The City shall encourage, support, and promote economic and community development and preserve and enhance the small-town and historic character of Auburn.

Section 302. Public Works Contracts

The City shall comply with law applicable to general law cities with regard to:

- (i) competitive bidding for public works contracts; and

- (ii) contracts for professional services based on demonstrated competence and professional qualifications.

Section 303. Prevailing Wage

No City contract shall require payment of the prevailing wage schedule unless:

- (i) the prevailing wage is legally required, and constitutionally permitted, to be imposed;
- (ii) required by federal or state grants pursuant to federal or state law;
- (iii) the City Council does not consider the project to be a municipal affair; or
- (iv) payment of the prevailing wage schedule is authorized by resolution of the City Council.

Payment of the prevailing wage schedule, if authorized hereunder, shall use the pertinent rates established by the State of California.

Section 304. The Think-Local-First Option

To the extent permitted by state and federal law, the City may establish by ordinance specified and limited bid advantages for firms based within a specified distance of the City. The City may enact such an ordinance in recognition of the fact that local firms and local employees help support Auburn's economy and provide air and water quality benefits for local citizens. The City shall establish all standards, procedures, rules or regulations to regulate all other aspects of public contracting.

Section 305. Supporting Volunteers in Auburn

The City seeks to support volunteers in creating a higher quality of life for Auburn citizens and as such declares itself exempt from any state laws or regulations that would make it more difficult or expensive for volunteers to participate in any community project, whether funded with City revenues or not.

Section 306. Limitation on Taxing Authority

This Charter shall not be interpreted as giving the City greater authority to raise the level of taxes or fees or to create new taxes or fees beyond the powers granted to general law cities nor to exempt the City from any procedures for raising the level of taxes or fees or for creating new taxes or fees required by the law applicable to general law cities.

Article 4 Revenue Retention

Section 400. Reductions Prohibited

Revenues raised and collected by the City shall not be subject to subtraction, retention, attachment, withdrawal or any other form of involuntary reduction by any other level of government.

Section 401. Mandates Limited

No person, whether elected or appointed, acting on behalf of the City, shall be required to perform any function which is mandated by any other level of government, unless and

until funds sufficient for the performance of such function are provided by the mandating authority.

Article 5 General Laws

Section 500. General Law Powers

In addition to the power and authority granted by this Charter and the Constitution of the State of California, the City shall have the power and authority to adopt, make, exercise and enforce all legislation, laws and regulations and to take all actions and to exercise any and all rights, powers, and privileges heretofore or hereafter established, granted or prescribed by any law of the State of California or by any other lawful authority. In the event of any conflict between this Charter and the general laws of the State of California, this Charter shall control.

Section 501. General Plan and Zoning Consistency

The zoning ordinance of the City shall be consistent with the City's general plan as required by the law applicable to general law cities.

Article 6 Interpretation and Amendment

Section 600. Construction & Interpretation

The language of this Charter is intended to be permissive rather than exclusive or limiting and shall be liberally and broadly construed in favor of the exercise by the City of its power to govern with respect to any matter that is a municipal affair. Every reference in this Charter to state or federal law shall mean that law as it exists when this Charter takes effect or as it may thereafter be amended.

Section 601. Title

This Act shall be known as the "Home Rule for Auburn Charter of 2012."

Section 602. Severability

If any provision of this Charter should be held by a court of competent jurisdiction to be invalid, void or otherwise unenforceable, the remaining provisions shall remain enforceable to the fullest extent permitted by law.

Section 603. Amendment to Charter, revised or repealed

As provided by state law, this Charter, and any of its provisions, may be amended by a majority vote of the electors voting on the question. Amendment or repeal may be proposed by initiative or by the City Council.

I hereby affirm that the foregoing Home Rule for Auburn Charter of 2012 was submitted to a vote of, and ratified by, a majority of the voters of the City of Auburn in a special election held for that purpose on June 5, 2012.

Mayor

ATTEST:

City Clerk